

MAR 13 2013

## SENATE RESOLUTION

REQUESTING THE GOVERNOR TO ESTABLISH A WORKING GROUP TO DEVELOP  
A CONSERVATION ACTION PLAN TO EXPLORE AND IDENTIFY  
CONSERVATION ALTERNATIVES FOR THE UNDEVELOPED PORTIONS OF  
THE TURTLE BAY HOTEL AND RESORT PROPERTY AND SURROUNDING  
LANDS WITH CONSERVATION OR HISTORIC VALUE.

1 WHEREAS, Act 140, Session Laws of Hawaii 2008, authorized  
2 the Governor to negotiate on behalf of the State with private  
3 interested parties to purchase the resort property located in  
4 Kahuku, Oahu; and  
5

6 WHEREAS, the subject property under negotiation includes  
7 the lands of and surrounding the Turtle Bay Hotel and Resort  
8 (Property) and dates back to the latter years of the previous  
9 administration as part of an effort to purchase and protect  
10 precious natural resource lands from development; and  
11

12 WHEREAS, despite two separate attempts to acquire the  
13 Property, nothing has been successfully completed and the matter  
14 remains unresolved; and  
15

16 WHEREAS, the subject lands for conservation:  
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- 18 (1) Shall include the undeveloped lands, defined as those  
19 that are not used for the existing hotel and  
20 condominiums;  
21
- 22 (2) May include the unoccupied areas, such as the golf  
23 courses, stables, parking areas, nurseries, and lands  
24 with similar uses that could be relocated; and  
25
- 26 (3) Generally include the undeveloped portions of the  
27 Property and surrounding lands that have significant  
28 conservation or historic value if the conservation  
29 would better protect coastal and natural resources  
30 between Malaekahana State Recreational Area and Kawela  
31 Bay; and  
32



1 WHEREAS, this body believes that it remains in the public's  
2 best interest to continue efforts to conserve the undeveloped  
3 portions of the Property; and  
4

5 WHEREAS, during the Regular Session of 2013, the  
6 Legislature introduced S.B. No. 894, S.D. 2, to appropriate  
7 funds and authorize the Governor, or the Governor's designee, to  
8 continue efforts to acquire certain unimproved lands surrounding  
9 the Property; and  
10

11 WHEREAS, if the Governor finds that it is not feasible for  
12 the State to acquire sole interest of the Property, S.B. No.  
13 894, S.D. 2, also authorized the Governor to enter into a  
14 cooperative agreement or agreements, such as a conservation  
15 easement, with private or other public entities interested in  
16 conserving the undeveloped portions of the Property; and  
17

18 WHEREAS, in a letter dated March 4, 2013, the Chief  
19 Executive Officer on behalf of the developer Turtle Bay Resorts,  
20 LLC, expressed the developer's willingness to voluntarily  
21 negotiate in good faith to explore alternatives between the  
22 State and the developer to keep a portion of the undeveloped  
23 lands at the Turtle Bay Resort for public benefit; and  
24

25 WHEREAS, the developer expressed in the letter an  
26 understanding that the Legislature may be open to deferring S.B.  
27 No. 894, S.D. 2, while the State and developer negotiate; and  
28

29 WHEREAS, the developer communicated a willingness to  
30 negotiate in good faith with the State; provided that the  
31 negotiations take place immediately and terminate no later than  
32 November 30, 2013, at which time the State and developer will  
33 submit to the Legislature a report regarding the result of the  
34 negotiations; and  
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36 WHEREAS, the developer also proposed in the letter that if  
37 the developer and the State are able to negotiate terms, area,  
38 and price, then S.B. No. 894, S.D. 2, could be amended to  
39 effectuate the terms of the negotiated settlement; and  
40

41 WHEREAS, however, if the developer and the State are unable  
42 to negotiate a settlement, then S.B. No. 894, S.D. 2, may  
43 proceed accordingly through the legislative process during the  
44 Regular Session of 2014; and



1  
2 WHEREAS, the developer noted that the deadline of  
3 November 30, 2013, provides a reasonable amount of time for the  
4 State and the developer to engage in good faith negotiations to  
5 reach a reasonable solution that benefits the immediate  
6 community and the State; and  
7

8 WHEREAS, accordingly, on March 5, 2013, the Senate  
9 recommitted S.B. No. 894, S.D. 2, to the Committees on Judiciary  
10 and Labor and Ways and Means, thereby deferring the measure  
11 pending negotiations between the State and the developer as  
12 proposed in the letter from Turtle Bay Resorts, LLC; and  
13

14 WHEREAS, this body believes that the Governor can assist in  
15 promoting the conservation of the subject lands and urges the  
16 Governor to immediately engage in good faith negotiations with  
17 the developer; now, therefore,  
18

19 BE IT RESOLVED by the Senate of the Twenty-seventh  
20 Legislature of the State of Hawaii, Regular Session of 2013,  
21 that the Governor is requested to establish a working group to  
22 develop a conservation action plan to explore and identify  
23 conservation alternatives for the undeveloped portions of the  
24 Turtle Bay Hotel and Resort property and surrounding lands with  
25 conservation or historic value; and  
26

27 BE IT FURTHER RESOLVED that the working group consist of  
28 the following members:  
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- 30 (1) The Governor or the Governor's designee;  
31  
32 (2) The Chairperson of the Board of Land and Natural  
33 Resources or the Chairperson's designee;  
34  
35 (3) The Administrator of the State Historic Preservation  
36 Division of the Department of Land and Natural  
37 Resources or the Administrator's designee;  
38  
39 (4) The Chairperson of the Legacy Land Conservation  
40 Commission or the Chairperson's designee;  
41  
42 (5) The Chairperson of the Land Use Commission or the  
43 Chairperson's designee;  
44



1 (6) The Chairperson of the Board of Directors of The Trust  
2 for Public Land or the Chairperson's designee; and  
3

4 (7) Any other entity or organization the Governor deems  
5 necessary; and  
6

7 BE IT FURTHER RESOLVED that the purpose of the working  
8 group is to provide information and make recommendations to the  
9 Governor as the State and the developer Turtle Bay Resorts, LLC,  
10 engage in good faith negotiations; and  
11

12 BE IT FURTHER RESOLVED that during the course of  
13 negotiations between the State and the developer, the working  
14 group:  
15

16 (1) Develop an action plan that explores and identifies  
17 conservation alternatives for the undeveloped portions  
18 of the Turtle Bay Hotel and Resort property and the  
19 surrounding lands with conservation or historic value;  
20

21 (2) Hold meetings to foster community engagement and  
22 gather community input regarding conservation  
23 alternatives relating to the subject lands, which  
24 shall be included in the action plan;  
25

26 (3) Provide updates to the Governor, at periodic intervals  
27 deemed necessary by the Governor, regarding the  
28 development of the action plan and make any  
29 recommendations; and  
30

31 (4) Submit a written final action plan, including  
32 recommendations and any proposed legislation, to the  
33 Governor and Legislature no later than November 30,  
34 2013; and  
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36 BE IT FURTHER RESOLVED that the working group shall cease  
37 to exist on November 30, 2013; and  
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39 BE IT FURTHER RESOLVED that the Governor and the developer  
40 submit a written report to the Legislature regarding the results  
41 of their negotiations and any proposed legislation no later than  
42 November 30, 2013; and  
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1 BE IT FURTHER RESOLVED that certified copies of this  
2 Resolution be transmitted to the Governor; Chairperson of the  
3 Board of Land and Natural Resources; Administrator of the State  
4 Historic Preservation Division of the Department of Land and  
5 Natural Resources; Chairperson of the Legacy Land Conservation;  
6 Chairperson of the Land Use Commission; Chief Executive Officer  
7 of Turtle Bay Resorts, LLC; and Chairperson of the Board of  
8 Directors of The Trust for Public Land.

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11 OFFERED BY: 

